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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,470	10/30/2001	Bruce A. Kalandek	1183	4868

23518 7590 03/09/2005

KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
7000 NINETEEN MILE ROAD
STERLING HEIGHTS, MI 48314

EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p>Office Action Summary</p>	Application No.	Applicant(s)	
	10/021,470	KALANDEK ET AL.	
	Examiner	Art Unit	
	Joselynn Y. Sliteris	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 3-5 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Nos. 4 and 6.

Claim Objections

2. Claims 2 and 12 are objected to because of the following informalities: in claim 2 lines 10, 12, and 14, "force-directing member" should be --force-directing member or guide--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Stavermann (EP 0 955 213).

5. Regarding claims 2 and 12, Stavermann discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 10, the air bag including at least one movable air bag anchor 24 at an end of the air bag 10; and

a force-directing member or guide 26 fixedly mounted at a determinable orientation within the vehicle, wherein upon inflation of the air bag 10, the air bag 10 moves to the deployed condition causing the movable anchor 24 to slide down the force-directing member 26 so that upon inflation of the air bag 10 the movable anchor 24 is self-located in or near a center of the force-directing member 26 resisting any tendency of the curtain to move or be moved upwardly;

wherein the force-directing member 26 includes an element having a single bend forming an apex, the element mounted such that an apex 28 of the element tends to cause the movable air bag anchor 24 to self-center;

wherein the element is a rod.

6. Regarding claims 6-10, Stavermann discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 10, the air bag including at least one movable air bag anchor 24 at an end of the air bag 10; and

a force-directing member or guide 26 fixedly mounted to the vehicle adjacent one side of the deployed air bag 10, comprising an arcuate bar 26 configured with an apex 28 formed as a single bend in the bar, facing the one side of the deployed air bag 10 wherein upon inflation of the air bag 10, the air bag 10 moves to the deployed condition causing the movable anchor 24 to slide down the bar 26 so that upon inflation of the air bag 10 the movable anchor 24 is self-located within the apex 28 of the bar 26;

wherein the bar 26 includes ends which respectively extend angularly away from the apex 28;

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wherein the bar 26 includes a first portion mounted vertically in the vehicle and a second portion which extends angularly therefrom (Fig. 1);

wherein the bar 26 includes a first portion mounted horizontally in the vehicle and a second portion which extends angularly therefrom and away from the one side of the air bag 10;

wherein the bar 26 includes a first portion and a second portion which extend outwardly from the apex 28 and wherein the first and second portions are each skew mounted relative to the vehicle.

7. Regarding claim 11, Stavermann discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 10, the air bag having a determinable side-to-side width when uninflated and when inflated expands from the stowed condition to a deployed condition generally in front of an adjacent side of the vehicle, additionally when inflated the width of the air bag is reduced in dimension;

the air bag 10 including at least one movable air bag anchor 24 at an end of the air bag 10; and

a guide 26 fixedly mounted to the vehicle, the guide 26 defining an inflection point 28 configured as a single bend, wherein upon inflation of the air bag 10, the air bag 10 moves to the deployed condition causing the movable anchor 24 to slide down the guide 26 so that upon inflation of the air bag 10 the movable anchor 24 is self located in or near the inflection point 28 of the guide 26 thereby resisting any tendency of the curtain to move or be moved while the curtain is inflated.

Response to Arguments

8. Applicant's arguments filed 12/8/04 have been fully considered but they are not persuasive.

9. Applicant argues "Stavermann shows a bar 26 on which a slide element 24 (a loop) of an airbag is slidable. The bar includes a double-bend forming a "locking component 28".

However, examiner notes that Stavermann does disclose a guide rod or bar 26 having an apex or inflection point 28 formed as a single bend in the rod or bar 26. The recitation "a single bend" does not preclude arrangements comprising a plurality of bends.

10. Applicant further argues "The present invention differs from Stavermann in that the pending claims do not require the air bag to be locked in place as a slide counteracts with a lock or hook as shown in Stavermann ... The above is not taught by Stavermann."

But in claims 2 and 11 of the present invention, applicant claims "... resisting any tendency of the curtain to move or be moved". It appears that applicant's arguments are inconsistent with the claim recitation and that Stavermann meets this limitation.

Further, in response to applicant's argument that Stavermann does not include certain features of applicant's invention, the limitations on which the applicant relies (i.e. when fully deployed the airbag can still be moved up and down from the apex formed by the single bend in the bar and the slide or slidable anchor can again self-center in the apex) are not stated in the claims. Examiner notes that it is the claims that define the

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claimed invention, and it is the claims, not specifications that are anticipated or unpatentable.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 703-308-8225. The examiner can normally be reached on Mon, Thurs & Fri 8:30 am - 4:30 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joselynn Y. Sliteris
Patent Examiner
Art Unit 3616
3/2/05

JYS
3/2/05


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3/4/05